

Translation

## PATENT COOPERATION TREATY

## PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>D80355</b>		FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. <b>PCT/EP2004/008183</b>		International filing date (day/month/year) <b>22.07.2004</b>		Priority date (day/month/year) <b>25.07.2003</b>
International Patent Classification (IPC) or national classification and IPC <b>C08J7/04, C08J3/24, A61 L15/24, A61 L15/60, B01J20/26, B01J20/32</b>				
Applicant <b>STOCKHAUSEN GMBH</b>				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand		Date of completion of this report		
Name and mailing address of the IPEA/EP		Authorized officer		
Facsimile No.		Telephone No.		

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/008183

## Box No. 1 Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 1-4 are referred to in this report as "originally filed" and are not annexed to this report):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-56 \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. 1-18 \_\_\_\_\_ as originally filed/furnished
- nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ the drawings:
- sheets \_\_\_\_\_ as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (specify): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (specify): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (specify): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (specify): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. V		Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement		International application No. PCT/EP2004/008183
<b>1. Statement</b>				
Novelty (N)	Claims	1-18	YES	
	Claims		NO	
Inventive step (IS)	Claims	1-18	YES	
	Claims		NO	
Industrial applicability (IA)	Claims	1-18	YES	
	Claims		NO	
<b>2. Citations and explanations (Rule 70.7)</b>				
Reference is made to the following document:				
D1: DE 37 41 158 A (STOCKHAUSEN CHEM FAB GMBH) (1989-06-15)				
<b><u>1. Novelty (PCT Article 33(2))</u></b>				
The subject matter of the present claims 1 to 18 is novel over the prior art as cited in the international search report. None of the international search report citations shows a method for producing an agglomerated superabsorber particle which involves the following steps:				
A) bringing superabsorber fine particles, of which at least 40% have a particle size of less than 150µm, into contact with a fluid containing at least 10% of a crosslinkable polymer with carboxyl groups,				
B) cross-linking the particles thus treated at temperatures of 20-300°C, wherein				
a) the crosslinkable polymer contains further groups able to react with the carboxyl group in a condensation-,				

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability:  
citations and explanations supporting such statement

addition- or ring-opening reaction, and/or  
b) the fluid contains a cross-linking agent.

Furthermore, none of the search report citations indicates a superabsorber particle according to claims 10 or 11.

**2. Inventive step (PCT Article 33(3))**

The subject matter of the present claims 1 to 18 involves an inventive step since neither from D1, which can be considered the closest prior art, alone nor in conjunction with any other document cited in the search report is it possible to derive any suggestion as to the claimed method, for the following reasons:

D1 likewise discloses a method for producing an agglomerated superabsorber particle.

The method claimed in the the present claims differs from the method known from D1 in that a crosslinkable polymer containing a carboxyl group is brought into contact with the superabsorber fine particles instead of an agglomeration promoting agent which contains no further crosslinking agents, as is disclosed in D1.

In comparison with the teaching of D1, the problem addressed by the present application consists in providing a further good method for reducing the fine-particle fraction in superabsorber particles, these particles being easy to dose when they are worked into

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
<p>hygiene articles.</p> <p>The applicant has shown in numerous examples that it was possible to solve the problem of interest using the claimed method.</p> <p>Since none of the available documents contains the teaching as to bringing a crosslinkable polymer into contact with superabsorber particles so as to reduce the proportion of fine particles, the claimed method was not suggested by the prior art either. An inventive step can therefore be acknowledged.</p>		

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## Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The expression "The disclosure of the ... is introduced a a reference and therefore forms part of the disclosure" relates to the total content of another document and could therefore give rise to doubts as to the scope of protection sought by the claims. It should therefore be deleted (see pages 7, 11 and 16).